



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,601	12/05/2003	Bernard F. Garceau	116523.00090	5431

21324 7590 03/18/2005

HAHN LOESER & PARKS, LLP
One GOJO Plaza
Suite 300
AKRON, OH 44311-1076

EXAMINER

PAPE, JOSEPH

ART UNIT	PAPER NUMBER
----------	--------------

3612

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,601

Applicant(s)

GARCEAU, BERNARD F.

Examiner

Joseph D. Pape

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-22 and 24 is/are rejected.
- 7) ☒ Claim(s) 6 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/24/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Figures 2-7 in the reply filed on 8/5/04 is acknowledged. The traversal is on the ground(s) that Figures 1-14 should have been grouped together. It is noted that the Examiner relied upon the brief description of the drawing figures in the specification in order to provide the groupings in the election requirement. However, upon reconsideration Figures 1-14 can be grouped together as suggested by applicant with no serious burden on the examiner.
2. Applicant's election without traverse of Figures 1-14 in the reply filed on 8/5/04 is acknowledged.

Specification

3. The disclosure is objected to because of the following informalities:
In paragraph 24, line 5 and paragraph 25, line 7 the phrase "may be are" is awkward and confusing.
Appropriate correction is required.

Claim Objections

4. Claim 19 is objected to because of the following informalities: In claim 19, line 2, "bottom" should obviously be changed to —top— for clarity. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13, which depends from claim 11 in which end caps were recited, is unclear because it is confusing as to whether the "flange extending from the lower edge of the vertical face in claim 13 is part of or is in addition to the end caps. It appears from the disclosure that such "flange" forms each end cap.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-2, 4, 8, 11-12, 14, and 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Henning et al.

Henning et al. disclose the claimed "roof bow" including monolithic member 52 with a vertical face having a horizontally straight lower edge and a non-planar and non-linear (interpreted as two line segments, not in a single line) upper edge, a top flange and a bottom flange extending perpendicularly to the vertical face. Reference Figure 10.

Re claim 8, apertures are provided in the vertical face for fasteners as shown in Figure 10.

Re claims 11-12 and 21-22, the roof bow includes end caps comprising the elements including features 76, 110, and 112. These end caps are attached to the monolithic roof bow by inwardly extending tabs (not numbered but shown in Figure 10) secured by fasteners extending through the openings in the vertical face.

9. Claims 1-2, 4-5, 7, 10, 14-16, and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sisson.

Sisson discloses the claimed "roof bow" including a monolithic member with a vertical face having a horizontally straight lower edge and a non-planar and non-linear (including curved segments near both ends thereof) upper edge, a top flange and a

Art Unit: 3612

bottom flange extending perpendicularly to the vertical face with both flanges having return flanges. Reference Figure 1 and marked up copy of Figure 4 attached hereto.

Re claims 5 and 7, the top flange of the elongate member includes embossments 22.

Re claims 10 and 16, the top flange comprises a plurality of spaced indented embossments 20.

10. Claims 1-4, 8-9, 14-15, 17, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Parsons et al.

Parsons et al. disclose the claimed "roof bow" including monolithic member with a vertical face 30 having a horizontally straight lower edge and a non-planar and non-linear (curved) upper edge, a top flange and a bottom flange extending perpendicularly to the vertical face. Reference marked up copy of Figure 3 attached hereto and Figure 15 showing the flanges.

Re claims 8-9 and 17, vertical face 30 includes apertures 31 which are "flanged" or "rolled". See column 3, lines 32-34.

11. Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by Montean et al.

Montean et al. disclose the claimed "roof bow" including a monolithic member with a vertical face 14 having, a top flange 18 and a bottom flange 12 and end caps 6 and 8 extending from the vertical face. Reference Figures 1 and 3.

Allowable Subject Matter

12. Claims 6 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Claim 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

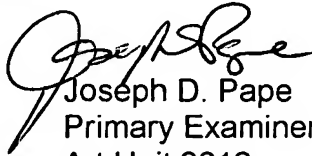
14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references show several other "roof bows" with features similar to those of the current invention.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Pape whose telephone number is (703) 308-3426. The examiner can normally be reached on Tues.-Fri. (6:00-4:30).

Art Unit: 3612

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joseph D. Pape 3/15/05
Primary Examiner
Art Unit 3612

Jdp

March 15, 2005

V. E. SISSON.

CABLE.

APPLICATION FILED JULY 16, 1912.

1,093,657.

Patented Apr. 21, 1914.

3 SHEETS-SHEET 2.

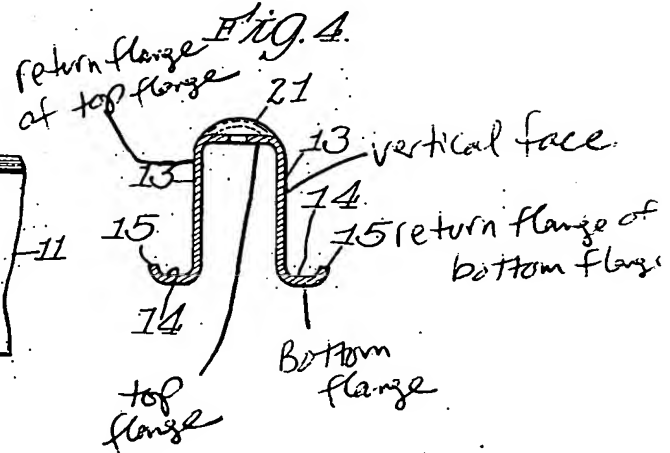
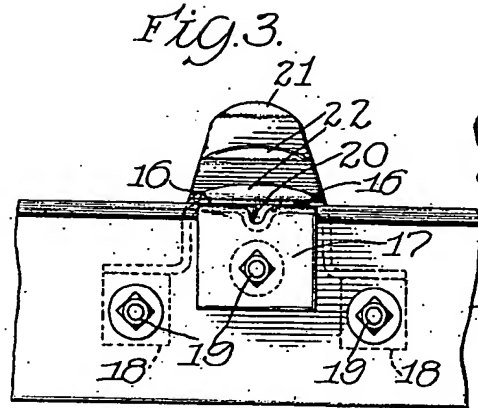


Fig. 7.

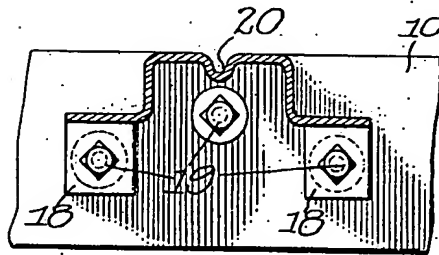


Fig. 5.

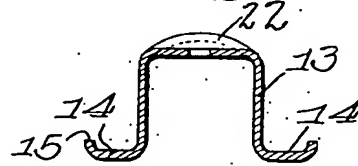


Fig. 6.

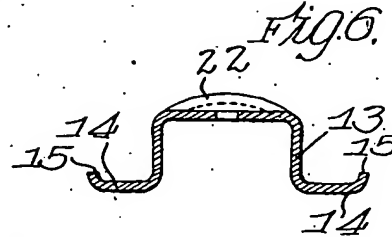
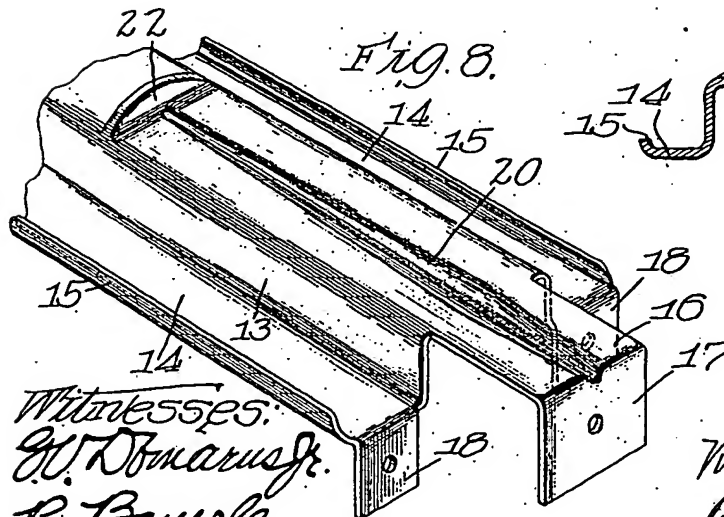


Fig. 8.



Witnesses:
G. W. Dumas Jr.
R. Bauerle

Inventor
Victor E. Sisson
By
Barnett & Druman
Attys.

Dec. 28, 1954

G. B. PARSONS ET AL

2,697,990

LIGHTWEIGHT PASSENGER CAR

Filed Oct. 7, 1948

12 Sheets-Sheet 3

